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Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARTHUR BEKKER,

Plaintiff,

Docket No. 1:16-cv-06123-LTS-BCM

v.

NEUBERGER BERMAN GROUP LLC,
NEUBERGER BERMAN LLC, NEUBERGER
BERMAN TRUST COMPANY N.A., MARVIN
SCHWARTZ, the NEUBERGER BERMAN
INVESTMENT COMMITTEE, and JANE AND
JOHN DOES 1–25,

Oral Argument Requested

Defendants.

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**NOTICE OF DEFENDANTS' MOTION TO DISMISS THE CLASS
ACTION COMPLAINT AND FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law dated October 3, 2016; the Declarations of James A. Cropper, Wayne Klieger, Nicole Lamoureux, and Francis Rankin dated September 30, 2016, and the exhibits attached thereto; and the Statement of Undisputed Material Facts submitted pursuant to Local Rule 56.1 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, Defendants Neuberger Berman Group LLC, Neuberger Berman LLC, Neuberger Berman Trust Company N.A., Marvin Schwartz, and the Neuberger Berman Group LLC 401(k) Plan Investment Committee, improperly identified in the Complaint as the Neuberger Berman Investment

Committee (collectively, “Defendants”) will, and hereby do, move this Court, before the Honorable Laura Taylor Swain, United States District Judge, in the Daniel Patrick Moynihan United States Courthouse, Courtroom 12D, 500 Pearl Street, New York, New York 10007-1312, at a date and time to be set by the Court, for an Order: (i) dismissing the Complaint pursuant to Federal Rule of Civil Procedure (“Rule”) 12(b)(1) for lack of subject matter jurisdiction; (ii) dismissing the Complaint pursuant to Rule 12(b)(6) for failure to state a claim; (iii) entering judgment as a matter of law in favor of the Defendants pursuant to Rule 56; and (iv) for such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, in accordance with Rules A(2)(b)(i)(A) and (ii) of the Individual Practices of Judge Laura Taylor Swain, the undersigned counsel for the Defendants hereby certifies that, prior to filing these Motions, he made a good faith effort to informally resolve the matters raised in these Motions, that he exchanged letters with counsel for the Plaintiff outlining the parties’ respective legal and factual positions on the matters raised in these Motions, that the parties had at least two telephonic discussions regarding same, and that counsel for the Plaintiff indicated that he did not intend to amend the Complaint prior to the filing of these Motions.

Dated: October 3, 2016
New York, NY

Respectfully submitted,

By: /s/ **Myron D. Rumeld**

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